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August 28, 2008

August 28, 2008
The request is denied
So ordered
Paul A. Crotty
(JSD)

Via Facsimile (212) 805-6304

Honorable Paul A. Crotty
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007-1312

Re: Yevgeniy Dikler v. City of New York et al.
 07 CV 5984 (PAC)(GWG)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of this action, ostensibly commenced pursuant to 42 U.S.C. §§ 1983 and 1985. The City defendants write to renew their application for an enlargement of time to serve their motion for summary judgment until September 5, 2008.

As a threshold matter, in response to Your Honor's Order dated August 27, 2008, the undersigned respectfully submits that the City defendants were not attempting to take advantage of plaintiff's counsel's absence from the office by filing an application for an enlargement of time to file the summary judgment motion. As indicated in our letter to Your Honor dated August 25, 2008, the undersigned had contacted plaintiff's counsel by voicemail and email, and counsel's voicemail message indicated that he would be checking his messages. Indeed, as evidenced by the annexed email, plaintiff did respond to the City defendants' request, albeit not until after the transmission of the City defendants' application. The undersigned assures the Court that the City defendants in no way attempted to avail themselves at plaintiff's counsel's expense.

While the Court has already denied the City defendants' request for a three week enlargement of the filing of summary judgment motions, it is respectfully requested that the Court grant the City defendants until Friday, September 5, 2008 to file their motion pursuant to F.R.C.P. Rule 56 (b). We have sought plaintiff's consent today by voicemail and email, advising plaintiff that the City defendants consent to a reciprocal one week enlargement of plaintiff's time to serve his opposition.

MEMO ENDORSED

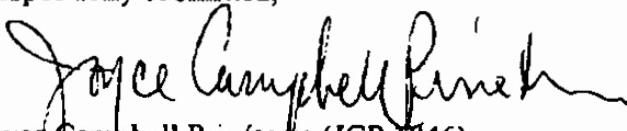
MEMO ENDORSED

This is City defendants' second request for an enlargement of the time to file a motion for summary judgment. Thus, the City defendants propose the following motion schedule for the Court's endorsement:

- City defendant's motion for summary judgment by September 5, 2008;
- Opposition by October 6, 2008; and
- Reply, if any, by October 27, 2008.

We thank the Court for its consideration.

Respectfully submitted,


Joyce Campbell Privéterre (JCP 1846)
Assistant Corporation Counsel

cc: Via Facsimile (718) 604-3074

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Campbell Priveterre, Joyce

From: David Zelman ESQ [dzelman@civrtslaw.com]
Sent: Monday, August 25, 2008 4:03 PM
To: Campbell Priveterre, Joyce
Subject: Re: Dikler

I do not consent. Dz

Sent from my BlackBerry? wireless handheld

From: "Campbell Priveterre, Joyce" <jocampbe@law.nyc.gov>
Date: Mon, 25 Aug 2008 15:06:16 -0400
To: <dzelman@civrtslaw.com>
CC: <RDUNN@LSKDNYLAW.COM>
Subject: Dikler

Please advise if you consent to the following enlargement of the motion schedule:

SJ motions by 9/16/08

Opposition by 10/14/08

Reply by 10/28/08

Robert Dunn has already consented. Thanks.

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